

Jail Renovation Plan

Public Safety Committee

December 9, 2013

Jail Renovation Plan

The decision-making context

Public Safety Committee

- Brian Robison, Chair
- Peter Stein, Vice Chair
- Jim Dennis
- Leslyn McBean-Clairborne
- David McKenna

Presenters

- Brian Robison, County Legislature, Public Safety Chair
- Joe Mareane, County Administrator
- Gwen Wilkinson, District Attorney
- Judge John Rowley, County Court Judge
- Deb Dietrich, Executive Director, OAR
- Pat Buechel, Director, Probation and Community Justice Dept.
- Suzi Cook, Chair, CJATI
- Ken Lansing, Sheriff

The Plan

1. Reduce board-outs by using little-used indoor recreation space within Jail to add 7 beds
2. Replace indoor recreation space with sheltered outdoor facility

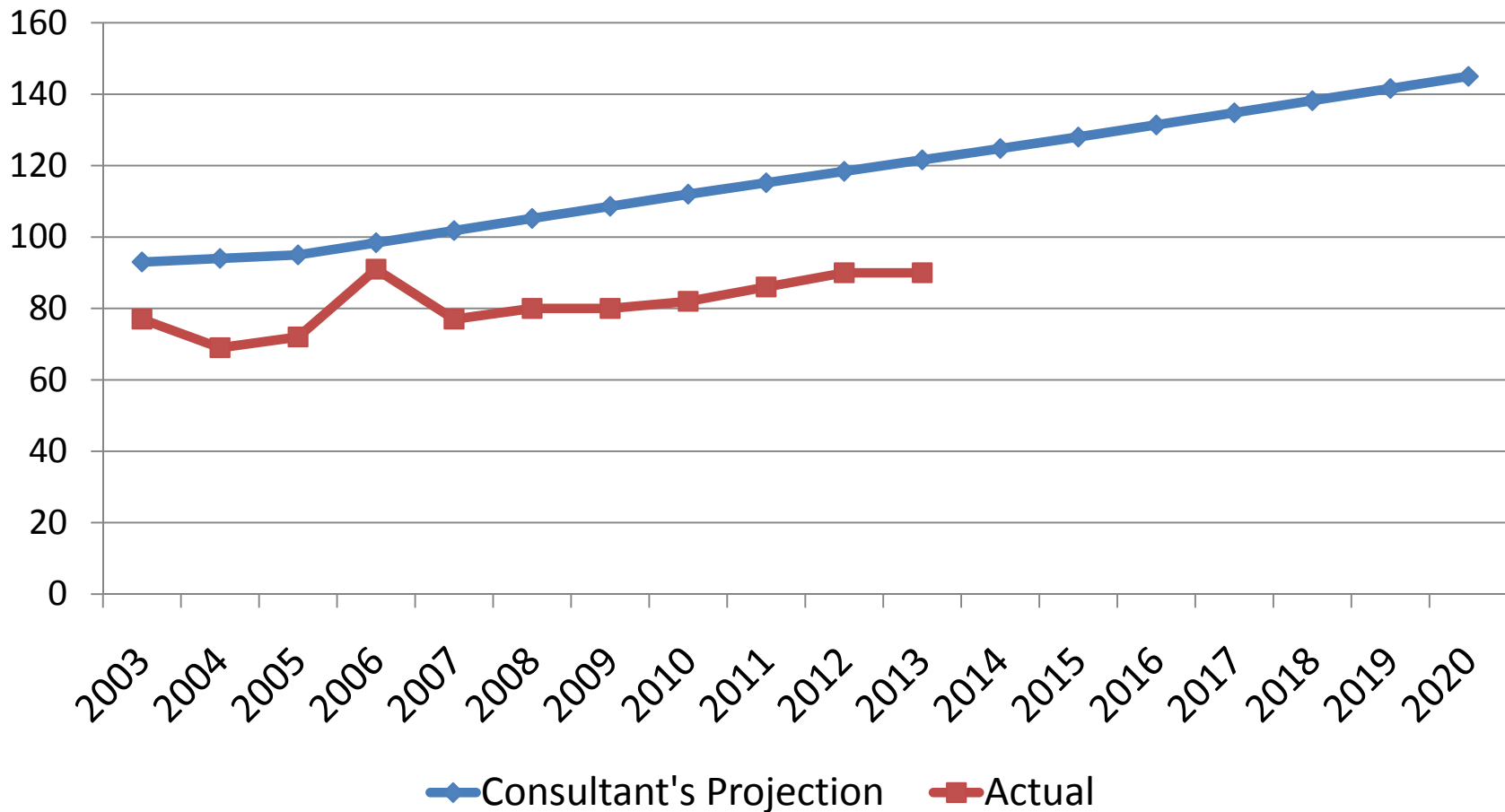
History

Rejection of “Big Jail” proposals
Investment in Alternatives to Incarceration

Case Study: 2002 Jail Study

- Triggered by State pressure to add beds
- Expert projection: linear growth
 - Experts proposed adding 120 beds (to 75 existing)
 - \$19 million project (\$25 million in 2013 dollars)
- Then, and in several subsequent studies, County consistently rejected brick-and-mortar solution
- Increased its investment in Alternatives
- Accepted risk of more “board-outs” if NYS refused to grant variance

Consultant's Population Projection vs. Actual Experience



Sources: LaBella Associates, Tompkins County PSB Program Needs Assessment, 2002; NYSDCJS, Analysis of 10-Year Trends, Non-New York City Jail Population, 2003-2012; Internal tracking data for 2013

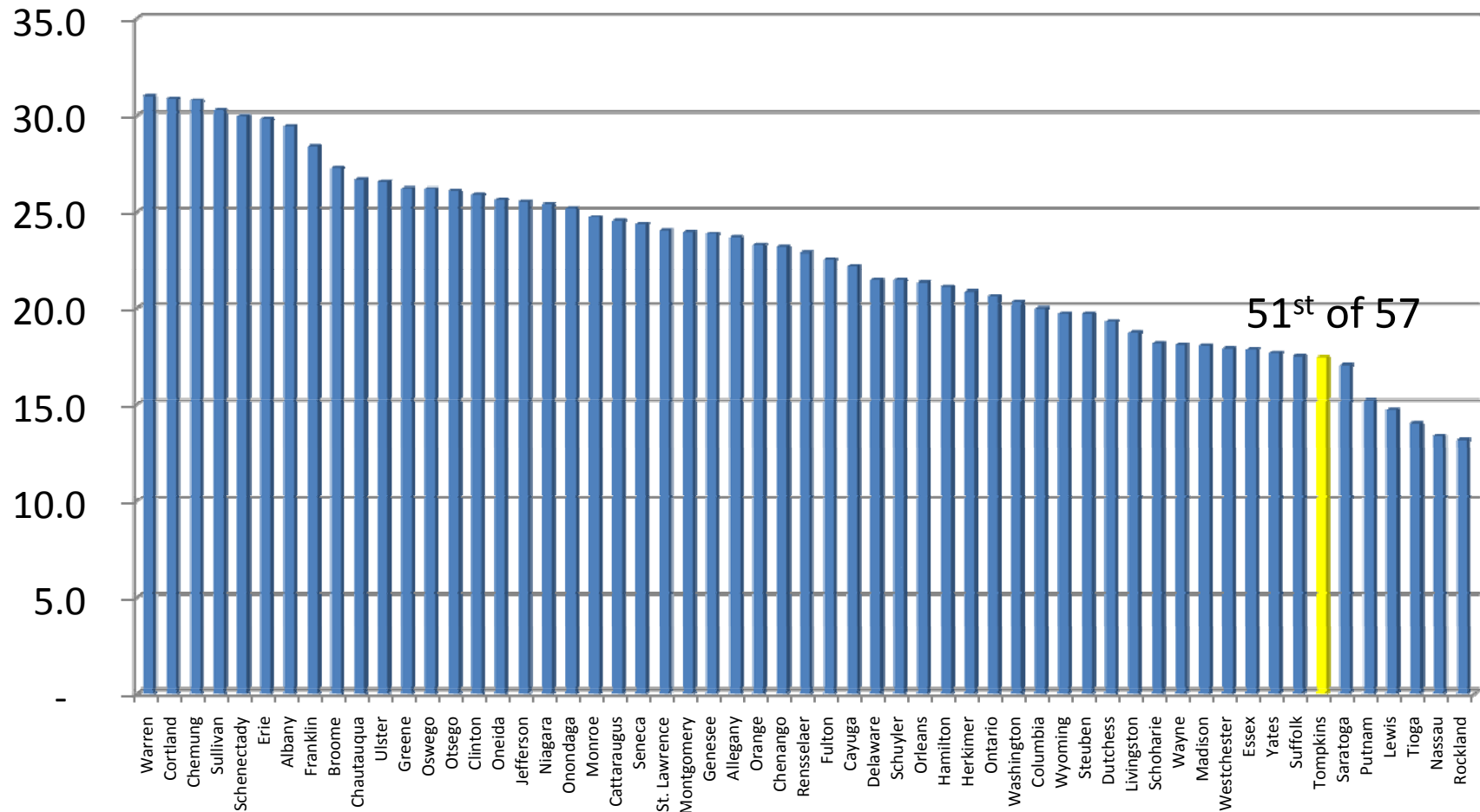
Avoiding the linear growth of jail
population

Arrest

Low Arrest Rates

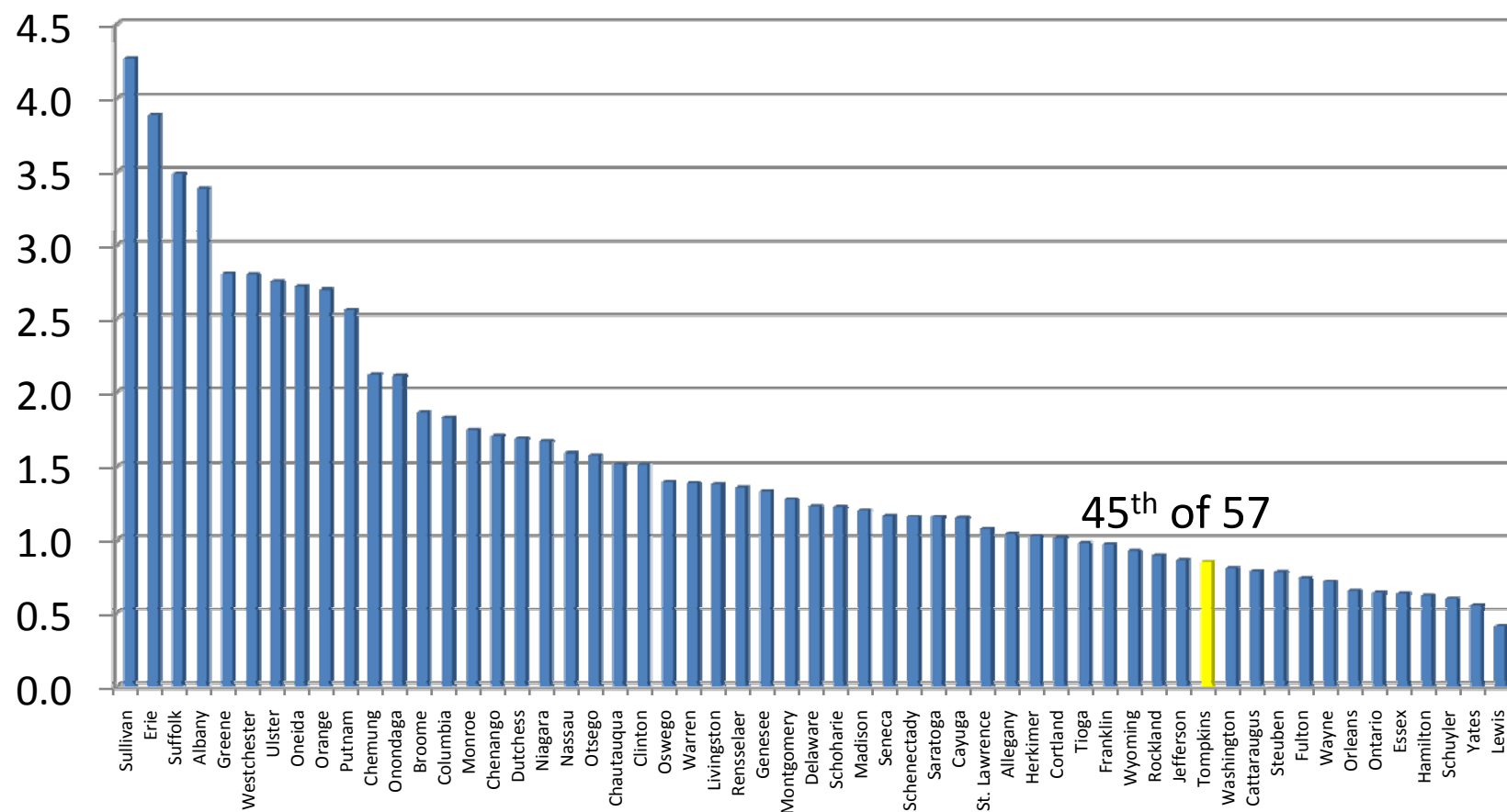
Arrest rates near bottom of NYS counties

Total Arrests per 1,000 Population, 2012



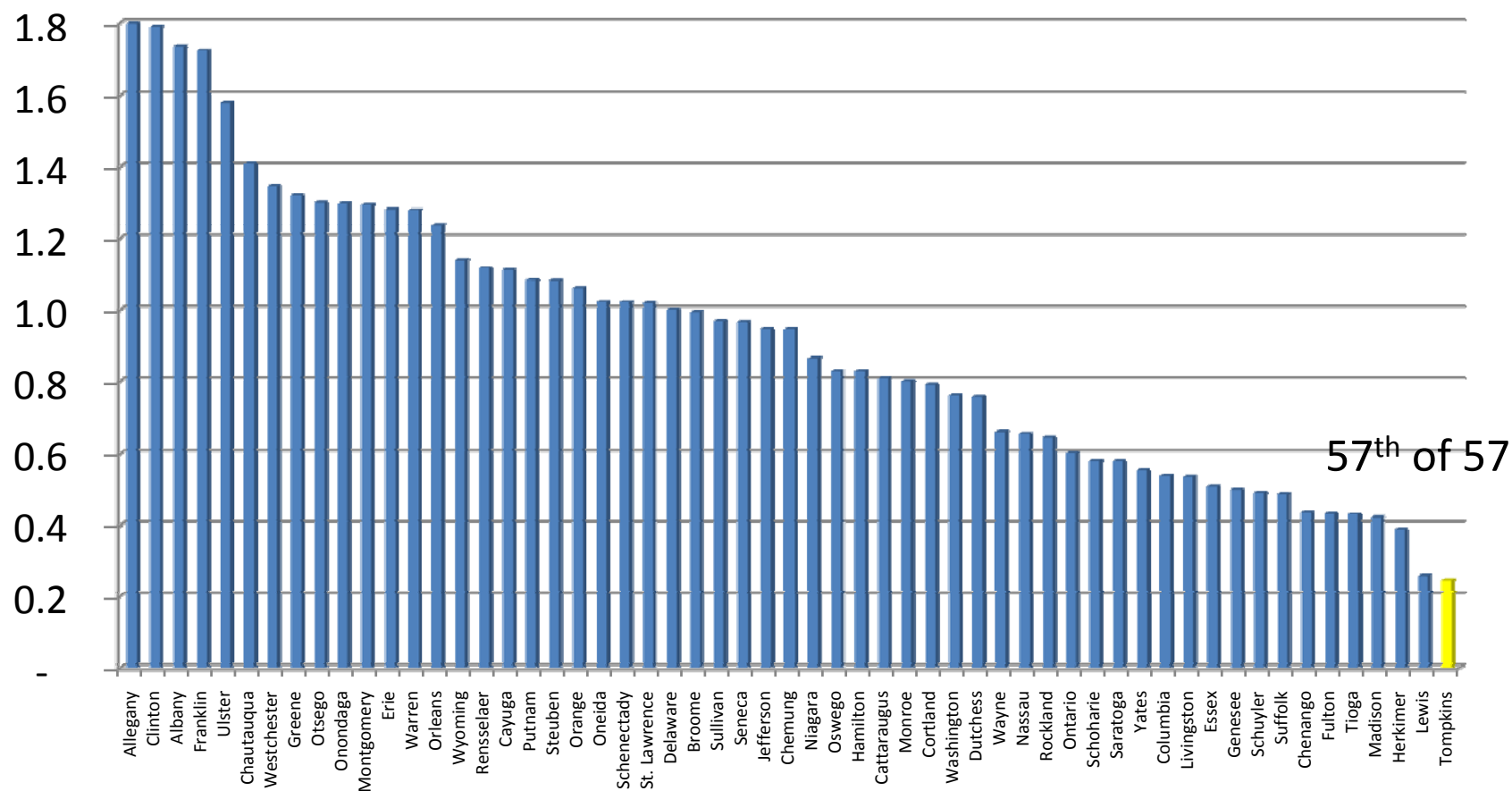
Source: NYSDCJS, Computerized Criminal History System (as of 3/20/13), <http://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>. Tompkins County arrest rate of 17.4 per 1,000 population.

Misdemeanor Drug Arrests, Per 1,000 Population, 2012



Source: NYSDCJS, Computerized Criminal History System (as of 3/20/13), <http://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>. Tompkins County misdemeanor drug arrest rate of 0.8 per 1,000 population.

Felony Drug Arrests, Per 1,000 Population, 2012



Source: NYSDCJS, Computerized Criminal History System (as of 3/20/13), <http://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>. Tompkins County felony drug arrest rate of 0.2 per 1,000 population.

Drug Arrests

- In NYS counties outside NYC, drug charges represent 15% of all arrests
- In Tompkins County, drug charges represent 6% of all arrests (111 of 1,766)

Arraignment and Bail

At Arraignment

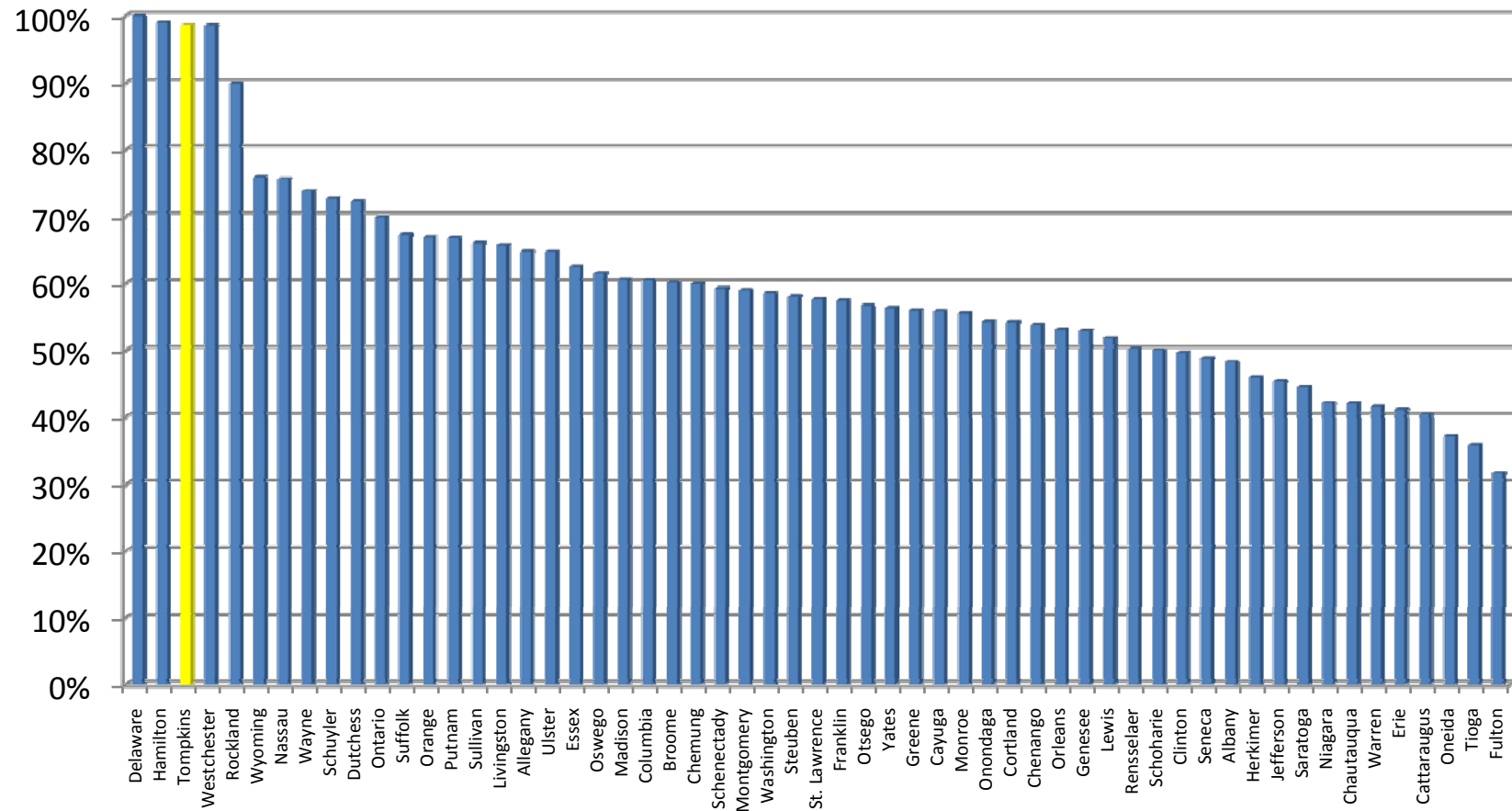
- Establishment of bail
 - Parameters and Considerations
- (Bail levels are outside Legislature's control)

Rapid Assignment of Competent Legal Counsel

Assignment of an Attorney

- Assigned Counsel Program
 - Different than Public Defender's Office
 - Private attorneys assigned to all who can't afford private counsel
 - Manageable caseload levels
- County spends 20% more for defense than prosecution
 - Comparison: Onondaga spends 27% more for DA than defense
- Benchmarks
 - 6th highest – spending per arrest
 - 3rd lowest caseload/attorney level in NYS

Estimated Attainment of ABA Caseload Standards for Indigent Defense, 2012



Source: NYS Office of Indigent Legal Services, November 2013

Bail Assistance

OAR Bail Fund

- County contributes \$200,000 for on-going administration
- County replenishes bail funds as needed
- Statutory \$2,000 limit on size of bail
- Bail criteria include co-signer on bails over \$1,000
- In 2012, OAR bailed out 68 individuals
 - Estimated savings: \$459,000

OAR – Other Assistance

- Other inmate assistance:
 - Assigned Counsel applications
 - Applications for public assistance
 - Applications for alcohol and substance abuse programs
 - Direct phone line from jail to OAR, for assistance and arrangement of free calls to loved ones
- Drop In Center for clients to locate housing, jobs, other services

Alternatives to Incarceration

Probation and Community Justice

- Probation is largest alternative to incarceration sentence used by criminal courts
- ATI Committee screens all probation-eligible cases being considered for sentence or plea involving incarceration

Pre-Trial Release Program

- All detainees with set bail are interviewed
- Probation gathers social information and assesses risk of failure to appear for court
 - Process includes actuarial assessment of risk
- Probation makes recommendation to court:
 - Released on Own Recognizance
 - Released Under Supervision to Probation
 - Reduced Bail
 - Continue Bail

Service Work Alternative Program (SWAP)

- Supervised community service program for non-violent offenders
- Number of hours of service vary according to severity of offense
- Can be used as an ATI at sentencing and as a graduated sanction for noncompliant behavior during supervision

Greatest Risk Caseload

- Reserved for offenders who have lengthy legal histories, past failed probation sentences and/or substance abuse treatment and score greatest risk of recidivism and violent recidivism on actuarial risk and needs instrument
- Caseloads are smaller to allow PO to provide intensive monitoring and address errant behavior early

Day Reporting Program

- Structured program operating from 9 a.m. to 1:30 p.m. daily
- Classes focused on substance abuse education, life skills, GED instruction, and employment services.
- Participants are mandated to attend by the criminal and family courts as a:
 - Pre-trial supervised release
 - Condition of probation or conditional discharge
 - Drug court sanction.

Day Reporting Program

- Referral to Day Reporting can be used as a graduated sanction for noncompliance in lieu of incarceration
- Length of participation varies from 10 to 90 program days

New \$1.5 million Day Reporting Center in the Human Services Building

Construction slated for 2014

Modern facility

Close to support services

Electronic Monitoring

- Ankle bracelet that uses cell tower and GPS to restrict and track an offender's movements
- Can be used as an ATI at Pre-Trial Release stage, at sentencing, and as a graduated sanction during supervision
- Requires adherence to program rules and a set schedule of in/out times

Drug Treatment Courts

- Misdemeanor and Felony level Drug courts
- Designed to break the cycle of addiction and criminal activity for high/greatest risk offenders
- Swift and consistent response to errant behavior and encouragement of positive behavior with goal to reduce recidivism

Drug Treatment Courts

- Drug Court program provides:
 - Judicial oversight
 - Probation supervision
 - Substance abuse treatment
 - Drug testing
 - Employment and education services
 - Graduated incentives/sanctions
 - Team approach

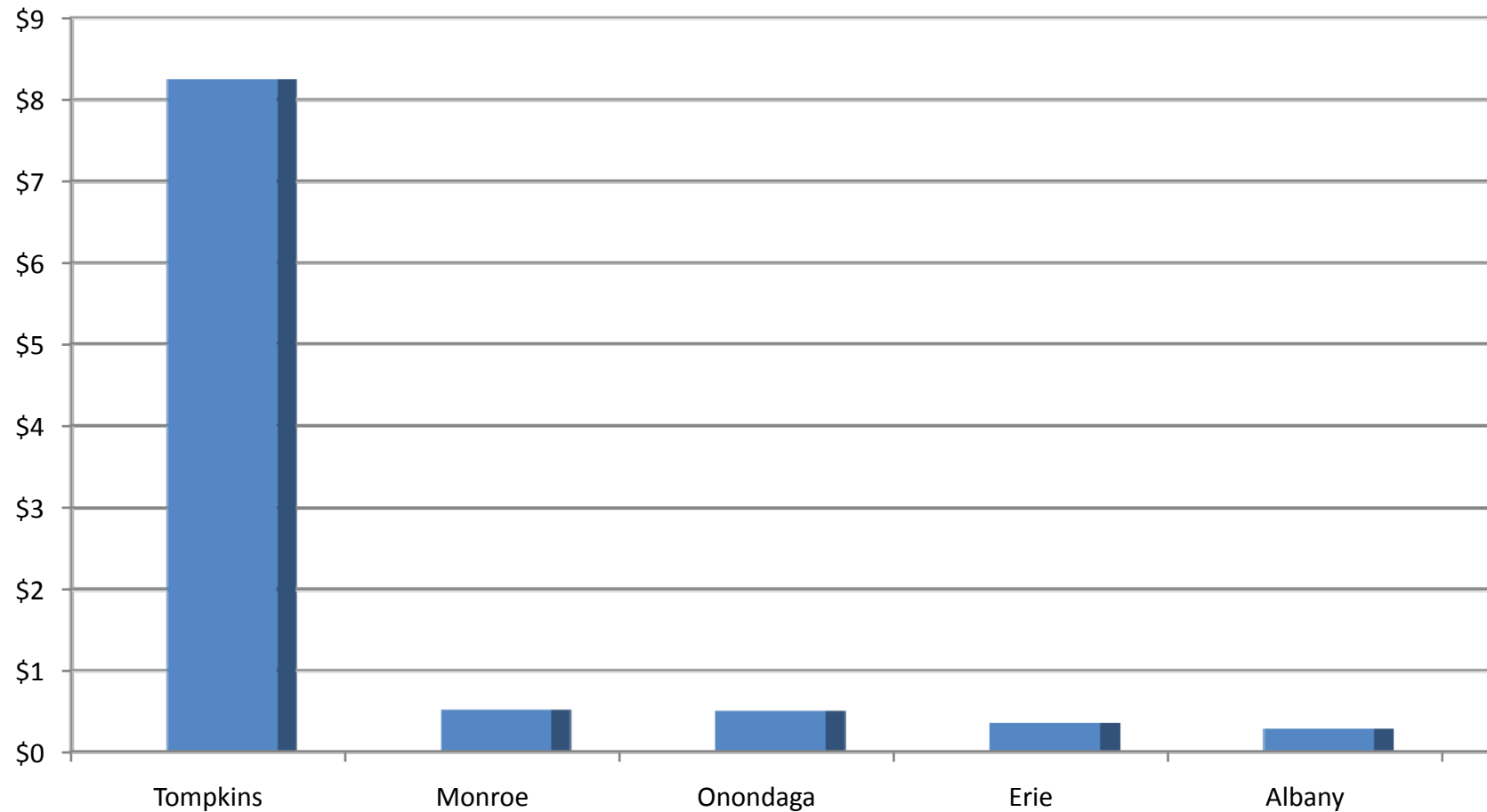
CJATI

- Criminal Justice Advisory Board created in 1975
- Advisory Board on Alternatives to Incarceration created in 1984
- Combined the two Boards into the CJ/ATI Board in 1986
- Members include reps from all segments of criminal justice system, human service providers, ex-offender community, victims
- Mission to monitor jail population and review ATIs

Related Support Services

- Youth programs
 - Tompkins spends more local dollars for youth development programs than the three largest Upstate counties combined
- Mental Health programs
 - Longstanding County commitment to adequately fund Mental Health programs
- Broad range of other human services

County Spending Per Capita for Youth Services, 2012

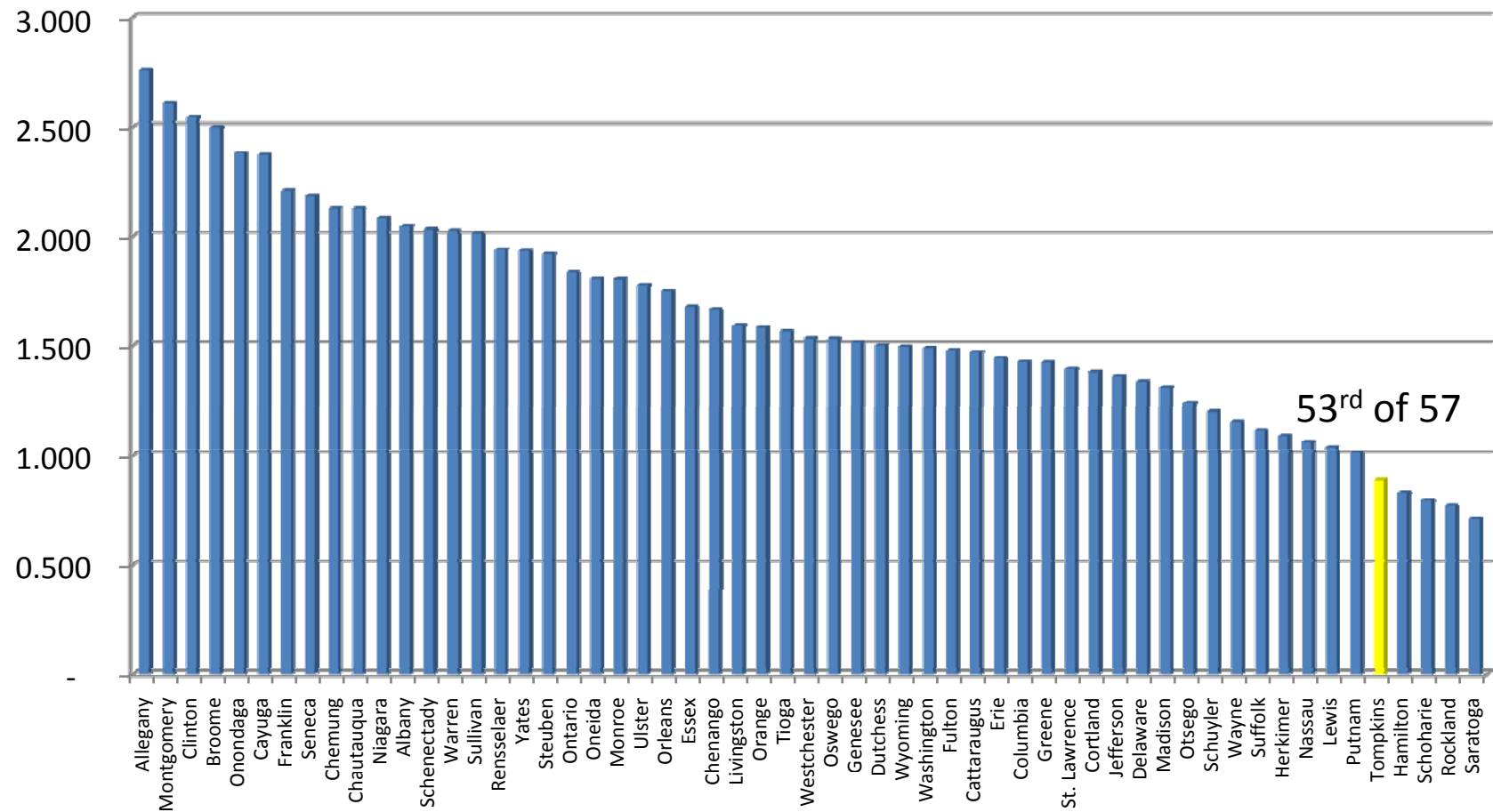


Source: NYS Office of State Comptroller, Open Book

The Result

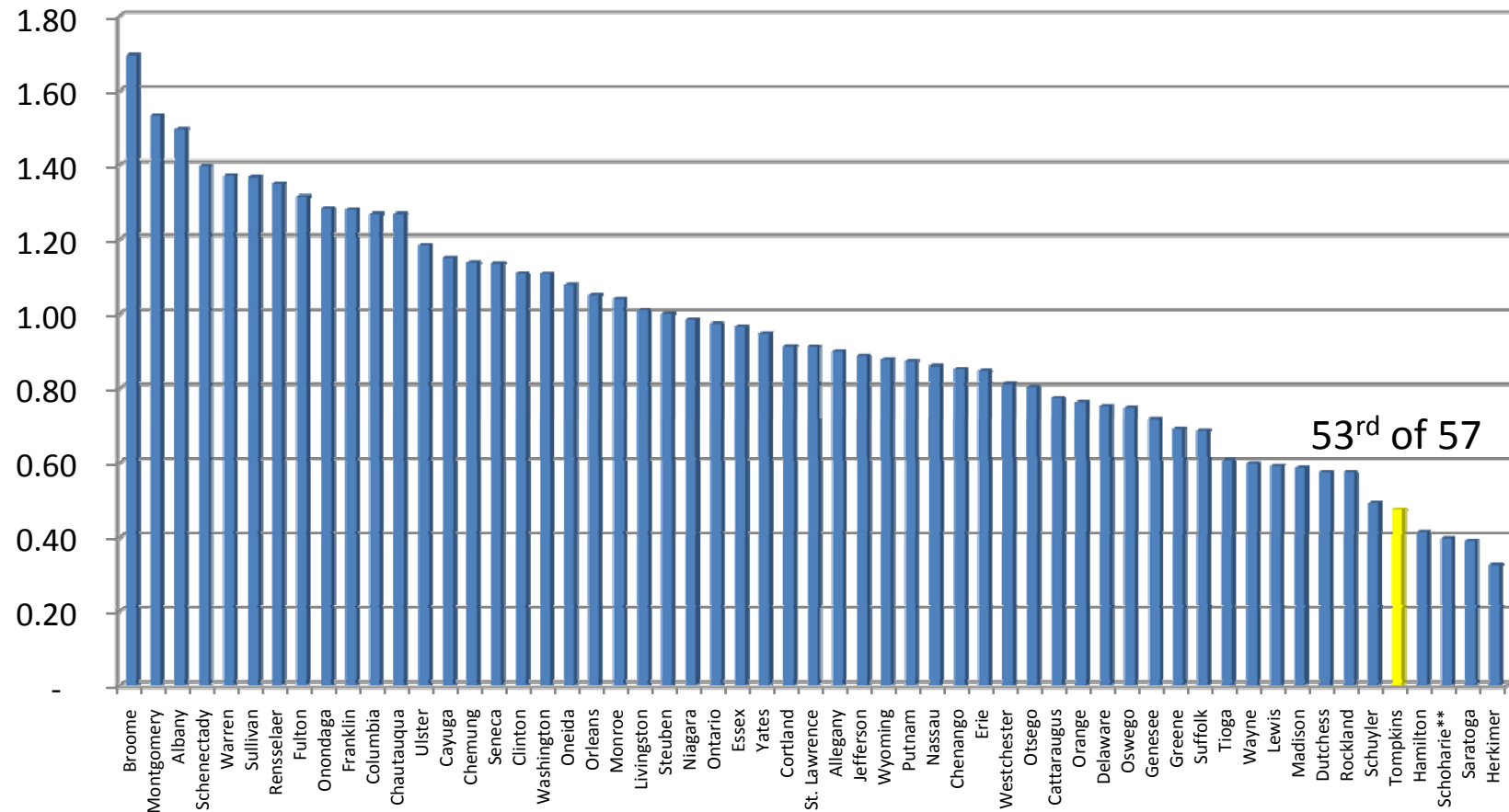
Incarceration Rate in Tompkins
County is Among the Lowest in NYS

Incarcerated Population per 1,000 Residents, By County, 2012



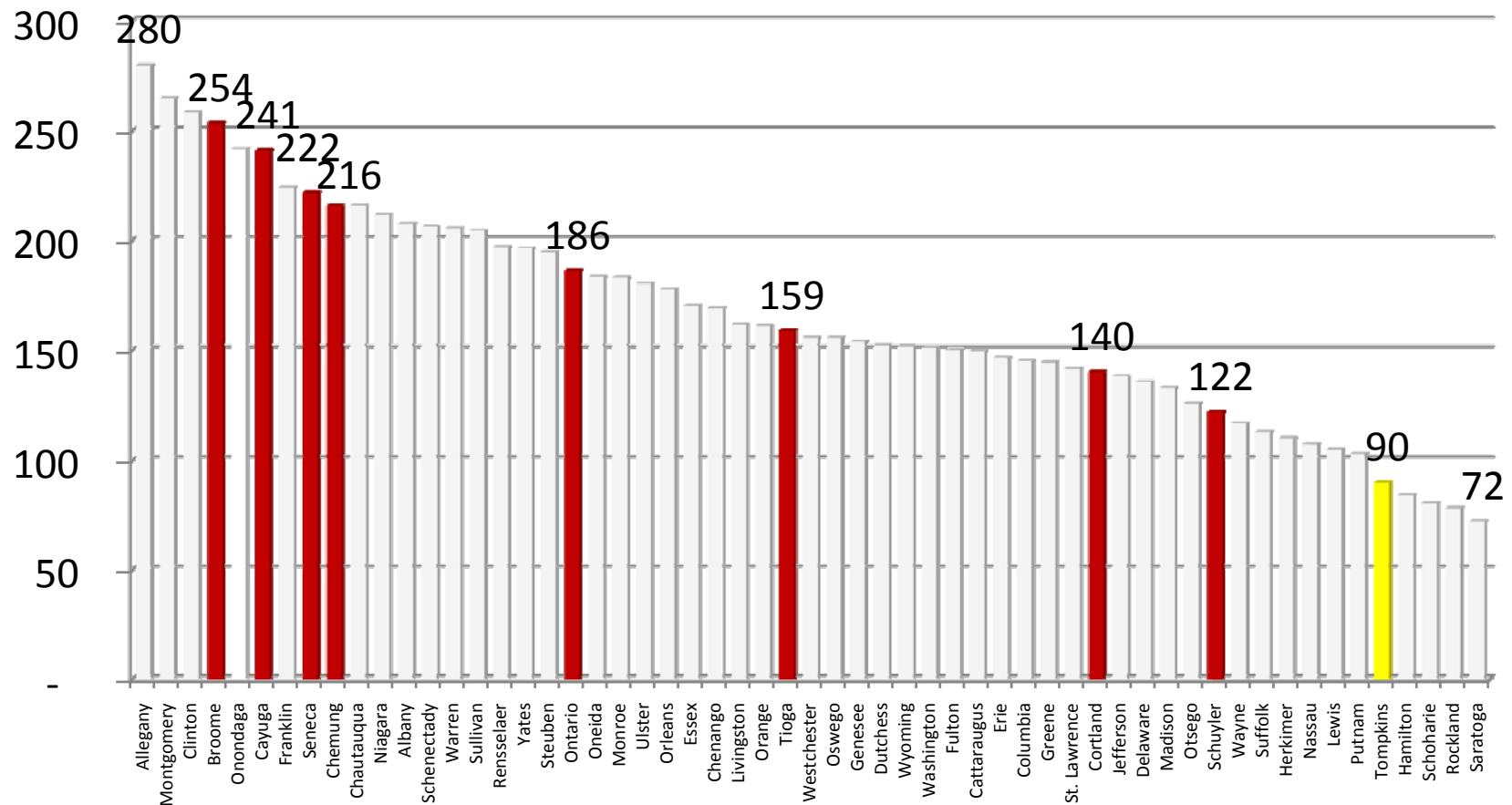
Source: NYS DCJS, Analysis of 10-Year Trends, Non-NYC Jail Population, 2003-2012

Unsentenced Incarcerated Population per 1,000 Residents, by County, 2012



Source: NYS DCJS, Analysis of 10-Year Trends, Non-NYC Jail Population, 2003-2012

Incarcerated Population If Tompkins County Had Same Incarceration Rate as Other NYS Counties

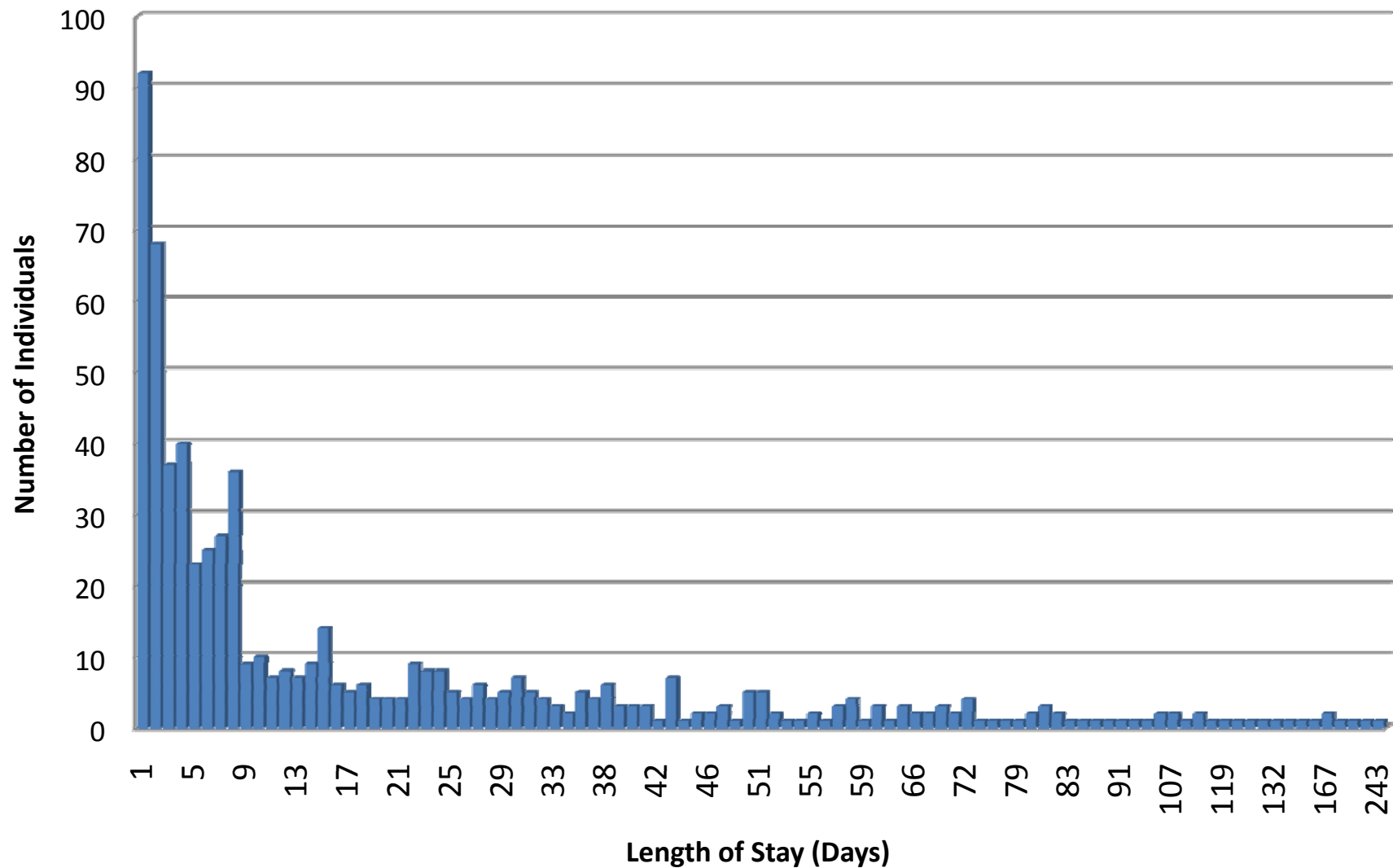


Average Length of Stay Unsentenced Individuals, Tompkins County Jail, 2013

<u>Measure</u>	<u>Days</u>
Median	8
Average	21
Mode	1

Lengths of stay for 637 unsentenced individuals who were released during the period January 1, 2013-November 20, 2013. ***This population includes those who have been convicted and are awaiting sentencing—a process that can take 4-6 weeks.***

Lengths of Stay, Un-sentenced Individuals, 2013



Today

Current Jail Capacity and Population

- Licensed capacity of 75-beds
- State variance allows 93
 - Classification restrictions and State guidance lowers practical capacity to 85
- Average population (past year) of 90
 - Average of 82 housed in jail
 - Average of 8 boarded out

The Proposal

1. Reduce board-outs by using little-used recreation space within Jail to add 7 beds
2. Replace indoor recreation space with sheltered outdoor facility

Costs

- Design and Estimated Construction Cost: \$900,000
- Method of Payment: County Bond
- Annual debt service cost:
 - If borrowed over 20 years at 4.0% interest
 - Estimated annual cost of \$65,000/year

Potential Net Savings

Board-Outs Avoided	Board-Out Savings	Debt Service, if 20-Year Bond	Annual Net (Cost)/Savings If 20-Year Bond
1	\$29,000	\$65,000	(\$36,000)
2	\$58,000	\$65,000	(\$7,000)
3	\$87,000	\$65,000	\$22,000
4	\$116,000	\$65,000	\$51,000
5	\$145,000	\$65,000	\$80,000
6	\$174,000	\$65,000	\$109,000
7	\$203,000	\$65,000	\$138,000

Summary of Public Discussions/Actions

- September, 2012 – Report by Undersheriff to Public Safety Committee regarding discussion with NYS regarding concept to convert interior space to housing and expand outdoor rec space
- September, 2012 – Report by County Administrator to Capital Plan Review Committee (CPR) regarding the renovation concept
- January, 2013 – Discussion at Public Safety and CPR regarding status of renovation planning
- February, 2013 – Update to CPR on status of renovation planning
- March, 2013 – Update to CPR
- April 2013 – Report to CPR regarding status of renovation planning, including specific design concepts

Summary of Legislative Discussions/Actions

- May, 2013 – Update to CPR, including description of phasing approach
- June, 2013 – Presentation of Plan to CPR Committee
- July, 2013 – Presentation of Plan to Public Safety Committee
- August 12, 2013 – Approval of Plan by Public Safety Committee
- August 20, 2013 – Presentation of Plan to full Legislature
- August 26, 2013 – Approval of Plan by Budget Committee
- September 3, 2013 - Authorization to proceed to full design of Plan by Legislature

Next Steps – Renovation Plan

- Review of Final Design by Public Safety Committee
- Authorization of Bond to finance the project by full Legislature

Questions and Comments